FAX

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ATTN. Pierre M. Vital

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FROM Volel Emile, Esq.

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SUBJECT Reply to Non-compliant Brief (10/015,223)

Number of Pages 4

Date 12/21/2005

MESSAGE

This fax communication contains:

- 1. one copy of a Fax Transmittal Form; and
- 2. one copy of the Reply to the Non-compliant Brief.

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This collection of information is required by 37 CFR. A. The information is exquired to obtain or retain a benefit by the public which is to the fand by the USPTO a process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application-form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete the form anchor suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1459, Alexandria, VA 22313-1450. DO NOT BEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Appl. No. 10/015,223 Reply to non-compliant Appeal Brief dated 12/21/2005 Reply to Office Action of 12/08/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Gerald Francis McBrearty :

: Before the Examiner:

Serial No: 10/015,223 Pierre M. Vital

Filed: 12/17/2001 : Group Art Unit: 2188

Title: APPARATUS AND METHOD : Confirmation No.: 6252

OF CREATING A MIRRORING MAP : FOR USE WITH DIFFERENT PIECES:

OF DATA

APPELLANTS' REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF UNDER 37 C.F.R. 41.37

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This is a reply to a Non-compliant Appeal Brief Notification dated December 08, 2005. In the Notification, the Examiner stated that:

[a]n example of a format and content for an appeal brief for a patent application is a brief containing the following items, with each item starting on a separate page:

- Identification page setting forth applicant's name(s), the application number, the filling date of the application, the title of the invention, the name of the examiner, the art unit of the examiner and the title of the paper (i.e., Appeal Brief);
- (B) Table of Contents page(s);
- (C) Real party in interest page(s);

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Page 1 of 2

Appl. No. 10/015,223
Reply to non-compliant Appeal Brief dated 12/21/2005
Reply to Office Action of 12/08/2005

- (D) Related appeals and interferences page(s);
- (E) Status of claims page(s);
- (F) Status of amendments page(s);
- (G) Summary of the claimed subject matter page(s);
- (H) Grounds of rejection to be reviewed on appeal page(s);
- (I) Argument page(s);
- (J) Claims appendix page(s);
- (K) Evidence appendix page(s);
- (L) Related proceedings appendix pages (see MPEP 1205). (Emphasis added.)

41.37 C.F.R. neither MPEP nor 37 1205 However, requires that each item be on a separate page as stated by Further, neither MPEP 1205 nor 37 C.F.R. the Examiner. 41.37 even suggests that there be a Table of Contents in an 37 C.F.R. 41.37 were (MPEP 1205 and Appeal Brief. consulted on-line through the USPTO Web site.)

Thus, since Appellants' Brief filed on October 26, 2005 contains the relevant items under appropriate headings and in the order indicated in paragraphs (c)(1)(i) through (c)(1)(x) of 37 C.F.R. 41.37 (see also MPEP 1205). Applicants submit that the Appeal Brief is compliant under 37 CFR 41.37.

Respectfully submitted.

By: Volel Emile

Attorney for Applicants Registration No. 39,969

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